

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Allegation of possession of disproportionate assets against Sri P.Anjaiah, former Senior Assistant, Zilla Parishad, Karimnagar now retired as Mandal Parishad Development Officer, Tanoor Mandal, Adilabad District – Prosecuted in a Court of Law – Acquitted – Criminal Appeal filed by the Anti Corruption Bureau and Writ Petition filed by Government – Dismissed – Further action dropped – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.III/A) DEPARTMENT

G.O.Rt.No. 1231

Dated:12-8-2008

Read the following :-

1. From the Director General, Anti Corruption Bureau, Hyderabad Rc.No. 135/RC.HRG/88, dated 30-10-1989.
2. G.O.Ms.No.539 PR&RD (Estt.X) Department, dt. 30-8-1990.
3. From the D.G., ACB., Hyderabad D.O.Lr.No.135/RCA-HRG/88-S3, dt.13-3-1991
4. From the Court of the Addl.Spl.Judge for SPE & ACB cases, City Civil Court, Hyderabad C.C.No.17 of 1992 dated 17-4-2001.
5. From the D.G., ACB., Lr.No.135/RCA/HRG/88-S3, dt. 27-9-2001.
6. Govt.Memo.No.967/VS.II/I/2001-4, dated 27-11-2001.
7. Govt.Memo.No.88958/Estt.X/88-16 dated 18-6-90.
8. From the Chief Executive Officer, Zilla Parishad, Karimnagar Lr.No. A2/3678/90, dated 26-3-2004.
9. From the Hon'ble A.P.A.T., Lr.No.O.A.977/03/GAD/ASCY/2003, dated 16-8-2003 filed by Sri P.Anjaiah, MPDO (Retd.)
10. Govt.Memo.No.967/Vig.III/A/2001-17 dated 21-4-2006.
11. From the Hon'ble A.P.A.T., order in O.A.No.977 of 2004 dt. 27-11-2006.
12. Govt.Memo.No.967/Vig.III/A/2001-28, dated 20-12-2007.
13. From the Hon'ble High Court of A.P.,Judgement in Criminal Appeal No.1859 of 2001, dated 28-4-2008.
- 14.From the Hon'ble High Court of A.P., Judgement in W.P.No.6634 of 2008 Dated 28-3-2008
15. From the Representation of Sri P.Anjaiah, MPDO (Retd.) dated 12.5.2008.

ORDER:-

In the reference 1st read above, the Director General, Anti Corruption Bureau, Hyderabad has recommended for prosecution of Sri P.Anjaiah, Senior Assistant, O/o. the District Development Officer, Zilla Praja Parishad, Karimnagar in a Court of Law in respect of allegation of possession of disproportionate assets and also for taking Departmental action for contravention of Rule 9 (1) and (2) of A.P.C.S. (Conduct) Rules, 1964 for imposing major punishment, since he has been committing the said offences frequently from 1978 to 1987 which amounts to mis-conduct.

2 In the reference 2nd read above, Government have issued orders to accord sanction for prosecution of Sri P.Anjaiah for the said offences under section 5 (2) read with section 5 (1)(c) of Prevention of Corruption Act, 1947 (Central Act II of 1947) and for any other offence / offences punishable under any other provisions of law in respect of the above said acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(p.t.o.)

3. In the reference 3rd read above, the Director General, Anti Corruption Bureau, Hyderabad has filed Charge sheet in the Court of the Principal Special Judge for SPE & ACB Cases, Hyderabad against Sri P.Anjaiahj, Sr.Asst., Zilla Praja Parishad, Karimnagar vide C.C.No.8/91.

4. In the reference 4th read above, the Hon'ble Additional Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad in its judgement in C.C.No.17 of 1992 dated 17-4-2001 hold that the prosecution failed to prove the guilt of the A.O. for the charge Under Section 5(1) (c) r/w 5 (2) of P.C. Act, 1947. Hence the Accused Officer is found not guilty of the offence Under Section 5(1)(c) r/w. 5(2) of P.C.Act and he was acquitted for the same Under Section 248(1) Cr.P.C.

5. In the reference 5th read above, the Director General, Anti Corruption Bureau, Hyderabad has requested the Govt. to give permission to prefer an appeal against the acquittal of the Accused Officer Sri P.Anjaiah, Sr.Asst., in the A.P. High Court. Government have examined the request of the Director General, Anti Corruption Bureau, Hyderabad and accord permission to the Director General, Anti Corruption Bureau, Hyderabad to prefer an appeal before the Hon'ble High Court of A.P. against the acquittal of Sri P.Anjaiah, Senior Assistant, Zilla Parishad, Karimnagar in C.C.No.17/92 by the Court of the Addl.Spl.Judge for SPE & ACB Cases-cum-V Additional Chief Judge, Hyderabad along with a delay condonation petition in the reference 6th read above.

6. In the reference 7th read above, Government has requested the District Development Officer, Zilla Praja Parishad, Karimnagar to take departmental action for imposing major punishment for contravention of Rule 9 (1) and (2) of A.P.C.S. (Conduct) Rules, 1964.

7. In the reference 8th read above, the Chief Executive Officer, Zilla Parishad, Karimnagar has appointed the Deputy Chief Executive Officer as Enquiry Officer to enquire into the allegation against Sri P.Anjaiah and a show cause notice was issued to the individual for his reversion to a lower post. The individual has approached the Hon'ble Tribunal and got interim orders duly suspending the show-cause notice in O.A.No.3332/92. Since the notice was suspended by the Tribunal, the individual has got promotion as Superintendent and Mandal Parishad Development Officer. At this juncture, the individual has retired from service as Mandal Parishad Development Officer on 8-4-2002.

8. In the reference 9th cited, Sri P.Anjaiah, Mandal Parishad Development Officer (Retd.) has filed O.A.No. O.A.No.977 of 2004 in Hon'ble A.P. Administrative Tribunal and prayed to direct the respondents to sanction his gratuity and leave encashment as the same was not sanctioned. Government have filed Counter Affidavit on the said O.A. in Hon'ble APAT in the reference 10th read above.

9 In the reference 11th read cited, the Hon'ble A.P.Administrative Tribunal has directed the respondents to process the pension papers to release the pensionary benefits of the applicant forthwith in any case within six weeks from the date of receipt of this order. However, the respondents are at liberty to take further action on finalization of the appeal which is pending before the High Court in accordance with the law.

10. Government have examined the orders of Hon'ble A.P. Administrative Tribunal, Hyderabad and filed Writ Petition No.6634 of 2008 in Hon'ble High Court of A.P., against the orders of the Hon'ble A.P. Administrative Tribunal in O.A.No.977/04 dated 27-11-2006 in the reference 12th read above.

11. In the reference 13th read above, the Hon'ble High Court of A.P., in its Judgment on Criminal Appeal No.1859 of 2001 filed by Director General, Anti Corruption Bureau against the Judgement dated 17-4-2001 in C.C.No.17 of 1992 on the file of the Court of the Addl. Spl. Judge for SPE & ACB Cases-Cum-V. Additional Chief Judge, City Civil Court, Hyderabad has ordered that the prosecution failed to establish that the accused officer was in possession of assets disproportionate to his known sources of income, to the tune of Rs.6,29,268/- by the end of check period i.e., 07.09.1988. Therefore, there are no grounds to interfere with the same and the appeal is devoid of merit and the same is liable to be dismissed.

12. In the reference 14th read above, the Hon'ble High Court of Andhra Pradesh in its judgement in W.P.No.6634 of 2008, dated 28-3-2008 has ordered that they do not find any error or legal infirmity in the order passed by the Tribunal warranting interference of this court. There is no merit in the writ petition and it was accordingly dismissed.

13. In the reference 15th read above, Sri P.Anjaiah, Mandal Parishad Development Officer (Retired) has submitted his representation along with the Judgement copies of Hon'ble High Court of A.P., and requested the Government to consider the above two judgements and to drop further action against him and also to release his pension and pensionary benefits in full.

14. Government after careful examination of the representation and the Judgements of the Hon'ble High Court of A.P., Hyderabad and decided to implement the aforesaid Judgements of the Hon'ble High Court of Andhra Pradesh, dated 28-4-2008 and 28-3-2008 and for dropping further action. Accordingly, Government hereby order to drop further action against Sri P.Anjaiah, Mandal Parishad Development Officer (Retd)

15. The Commissioner, Panchayat Raj and Rural Employment, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMACHANDRAN
SECRETARY TO GOVERNMENT

To

Sri P.Anjaiah,

Mandal Parishad Development, Officer, Karimnagar through the Commissioner,
Panchayat Raj and Rural Employment, Hyderabad.

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.

Copy to the Director General, Anti Corruption Bureau, Hyderabad.

Copy to the Secretary to Vigilance Commissioner, APVC., Hyderabad.

Copy to the Accountant General, Andhra Pradesh, Hyderabad.

Copy to the District Treasury Officer, Karimnagar.

Copy to SF/SC

// FORWARDED::BY ORDER//

SECTION OFFICER.